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June 19, 2003

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JUN 19 2003

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
455 12th Street, S.W.
Washington, D.C. 20554


Re: Notice of Ex Parte Presentation
CS Docket No. 00-30

Dear Ms. Dortch:

On June 18, 2003, Steven Teplitz of AOL Time Warner Inc., Andrew Long of Wiley, Rein and Fielding and the undersigned met with Ken Ferree, Deborah Klein, Marcia Glauberman and Bill Johnston of the Media Bureau and Dr. Simon Wilkie of the Office of Strategic Planning and Policy Analysis to discuss the above-referenced proceeding. As reflected in our comments and reply comments, we explained why AOL should not be considered "dominant" in instant messaging ("IM") under any relevant test and why technical barriers to interoperability have not proven to be impediments to competition or meaningful barriers to entry. At this point, continuing to restrict AOL's ability to offer streaming video IM-based high-speed services only hinders innovation and competition to the detriment of consumers.

Pursuant to sections 1.1206(b) of the Commission's rules, an original and one copy of this letter is being filed with the Office of the Secretary. Copies are also being served on the Commission participants in the meeting. Any questions concerning this submission should be addressed to the undersigned.

Sincerely,


Fernando R. Laguarda

cc: W. Kenneth Ferree, Bureau Chief, Media Bureau
Deborah E. Klein, Chief of Staff, Media Bureau
William H. Johnson, Deputy Bureau Chief, Media Bureau
Marcia Glauberman, Deputy Division Chief, Media Bureau
Dr. Simon Wilkie, Office of Strategic Planning and Policy Analysis

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